

REMARKS

Claims 1-17 are pending in the application. Claim 8 is rewritten in independent form to correct a translation error which created an inconsistency between the preambles of claims 1 and 8. Claim, as amended, maintains the limitations present in the claim as it was originally filed. No new matter is added.

Claims Rejections 35 U.S.C. 103

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nottingham** (US 2003/0070511) in view of **Kilmer** (US 4,751,452) and further in view of **Nakane** (US 6,191,554). The Examiner's rejection has been carefully considered.

The Examiner states that Nottingham, when modified by Kilmer, still differs from the claimed invention because both references fail to teach or suggest a charger shell comprising at least one detachably mounted bit holder for storing insert tools.

The Examiner asserts that Nakane teaches a plurality of cylindrical tool bit holders (46) for inserting tool bit (47). It is evident, however, from Figure 5 in Nakane, that the plurality of bit holders (46) are not detachably mounted as recited in present claim 1.

The Examiner also asserts that Nakane teaches that the tool (30) includes a hydraulic unit (32) coupled to a nose or chuck (32a) **to which a tool bit is attached** (bold emphasis added by the Examiner). It is not clear if the Examiner intends to equate the nose or chuck of Nakane with the charger shell recited in the present claims. If this is the Examiner's intention, Applicant respectfully disagrees. Present claim 1 specifically recites that "the charger shell (22) comprises at least one detachably

mounted bit holder (99) for storing tool inserts.” This cannot be interpreted as being equivalent to “a nose or chuck to which a tool bit is attached.”

Since none of the cited references, alone or in combination, teach a charger shell comprising at least one detachably mounted bit holder, Applicant respectfully requests that the rejection of claims 1-9 under 35 U.S.C. 103(a) be withdrawn.

Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nottingham** (US 2003/0070511) in view of **Kilmer** (US 4,751,452), and further in view of **Nakane** (US 6,191,554) and further in view of **Bennage** (US 6,702,530). The Examiner’s rejection has been carefully considered.

Applicant argues that the combination of Nottingham, Kilmer, and Nakane does not teach or suggest a bit holder detachably mounted on a charger shell for the reasons provided in the arguments against the rejection of claims 1-9.

Bennage does not teach a detachable bit holder. Bennage teaches a bit holder for detachably holding at least one drill part such as a drill bit. The bit holder is formed by a recessed area disposed on an enlarged handle base and one spring clip having an anchor end and a retaining end (abstract and figures in Bennage). The bit holder taught by Bennage is clearly not detachably mounted on a charger shell. Consequently, Bennage does not remedy the deficiencies in the teachings of Nottingham, Kilmer, and Nakane with respect to a bit holder detachably mounted on a charger shell.

In view of the foregoing arguments, Applicant respectfully requests that the rejection of claims 8-17 under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

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